

Service Date: May 10, 2000

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

IN THE MATTER of the Investigation of)	UTILITY DIVISION
Wilder Resorts, Inc., d/b/a Fairmont Hot Springs)	
Resort, Compliance with Public Utility Obligation)	DOCKET NO. D99.4.86
To File Tariffs for Water Service to its Customers)	ORDER NO. 6162d

FINAL ORDER APPROVING INITIAL RATES

Background

1. The Montana Public Service Commission (Commission) issued Order No. 6162 in Docket No. D99.4.86 on April 27, 1999, compelling Wilder Resorts, Inc., d/b/a Fairmont Hot Springs Resort (Fairmont) to come into compliance with public utility law as set forth in Title 69, Chapter 3, Montana Code Annotated (MCA) and to file its initial rates for approval by the Commission on or before May 28, 1999.

2. On May 21, 1999, Fairmont filed a Motion for Reconsideration of Order No. 6162, requesting an extension of time to file its initial rate application. On May 25, 1999, the Commission granted the extension until July 30, 1999.

3. Fairmont again requested an extension of time to file the application on July 21, 1999. The Commission granted the request, extending the deadline to August 14, 1999.

4. On August 16, 1999, Fairmont filed its application for authority to implement initial rates and charges for water services and requested interim rate relief. The Commission denied Fairmont's request for interim rate relief on October 29, 1999.

5. Montana Consumer Counsel (MCC), Fairmont Homeowners Association (Homeowners), Fairmont Estates Condominium Association (Condos), Fairmont RV Park (RV Park), and Daniel Berube, Individual, intervened in this docket.

6. On November 19, 1999, MCC, Condos, Homeowners, and Mr. Berube filed testimony in the docket. The RV Park did not file testimony or otherwise participate in the proceedings. On March 7, 2000, all the parties met for purposes of settlement discussions at Fairmont.

7. On April 25, 2000, a quorum of the Commission, which included Chairman Dave Fisher and Commissioners Bob Anderson and Gary Feland, conducted a duly noticed public hearing in Anaconda at the Anaconda Local Development Center, 118 E. 7th Street, beginning at 10:00 a.m. The Intervenor MCC, Homeowners, Condos, and Mr. Berube were present, as was Fairmont. The RV Park did not have representation or otherwise appear on its own behalf at the hearing and was dismissed as an intervenor. Fairmont presented a Stipulation on the record agreed to by the Intervenor. Intervenor and members of the public were afforded the opportunity to voice their concerns on the stipulation. There were no objections to the stipulation.

Findings of Fact

8. There is a signed Stipulation Agreement between Fairmont and intervening parties setting forth rates and charges for water services to customers of Fairmont. A copy of the Stipulation and Exhibit is attached for reference and is incorporated into these Findings of Fact.

Conclusions of Law

1. Fairmont provides public water service within the state of Montana, and as such is a "public utility" within the meaning of § 69-3-101, MCA.

2. The Montana Public Service Commission properly exercises jurisdiction over Fairmont's rates and charges pursuant to Title 69, Chapter 3, MCA.

3. The rates as stipulated are just and reasonable.

ORDER

THEREFORE THE MONTANA PUBLIC SERVICE COMMISSION ORDERS THAT:

1. The Stipulation filed by Fairmont and the Intervenor parties is approved with accordance with this Order.

2. Fairmont will abide by all Findings of Fact in this Final Order. All rates and charges will comply with the Stipulation Agreement signed by the parties.

3. Fairmont must file tariffs in compliance with the Findings of Fact in this Final Order.

4. This Final Order is effective for service on and after approval of the tariffs filed in accordance with this order.

DONE IN OPEN SESSION at Helena, Montana this 9th day of May 2000, by a 3-0 vote.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

DAVE FISHER, Chairman

BOB ANDERSON, Commissioner

GARY FELAND, Commissioner

ATTEST:

Kathlene M. Anderson
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See ARM 38.2.4806.